

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRAD HARBISON, as Independent Administrator of the Estate of Danielle Renee Harbison,; and BRAD HARBISON, as next friend of minor children Wes Harbison and Molly Harbison;

8:20CV245

Plaintiffs,

vs.

ORDER

COUNTY OF SARPY, Nebraska, a political subdivision of the State of Nebraska; SARPY COUNTY SHERIFF'S OFFICE, an Agency of the County of Sarpy; JEFF DAVIS, Sheriff; CITY OF BELLEVUE, a municipal corporation and political subdivision of the State of Nebraska; BELLEVUE POLICE DEPARTMENT, an agency of the City of Bellevue; MARK ELBERT, Police Chief; BELLEVUE FIRE DEPARTMENT, an agency of the City of Bellevue; PERRY GUIDO, Fire Chief; JOHN DOES 1 - 16, JOHN DOES 13 AND 14, MARK TOPIL, MARK SHILLER, ALLYSA RANGE, TIMOTHY KENDALL, CODY KRUSE, DANIEL POTMESIL, REECE POST, AARON JONES, AARON JEZEK, MATT MCGINN, ERIN MCCORMICK, JASON WEBER, MARK ARMSTRONG, ERIC MIXAN, and KEITH SANDERS,

Defendants.

This matter is before the court on a motion to dismiss filed by defendants City of Bellevue, Bellevue Police Department, Mark Elbert, Bellevue Fire Department, and Perry Guido, Filing No. 33. That notion has been rendered moot by the filing of an amended complaint. See Filing No. 39, Amended Complaint. Accordingly,

IT IS ORDERED that:

1. Defendants City of Bellevue, Bellevue Police Department, Mark Elbert, Bellevue Fire Department, and Perry Guido's motion to dismiss (Filing No. 33) is denied as moot.

Dated this 28th day of September, 2020.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge